

REMARKS

Before addressing the rejection of the claims, Applicant notes that the Examiner issued an Office Action on May 14, 2004 indicating that claims 8, 11, 28, 31, 51, 90, 92, and 94-96 would be allowable if written in independent form. Applicant timely filed an Amendment on August 16, 2004 which Applicant believed to comply fully with the Examiner's Office Action. Claim 1 was amended to incorporate the limitations of claim 28. Claim 32 was amended to , incorporate the limitations of claim 90. Claims 8, 11, 31, 92 and 94 were rewritten as independent claims 99, 97, 107, 116, and 108 respectively. New claim 117 was also added which was believed to be commensurate in scope with claim 31.

Since the filing of the amendment on August 16, 2001, the Examiner has delayed prosecution of this matter. The Examiner twice issued notices of non-compliant amendment for trivial departures from the rules of practice. A substantive response to the Office Action was not received until February 1, 2006, approximately 18 months after Applicant first responded. The Examiner now rejects claims previously indicated to be allowable if written in independent form. After more than five years of prosecution, the issues should be well defined and the Examiner should not arbitrarily reverse course and revive issues that were thought to be previously resolved. The Examiner should recognize that the Examiner's delays and reversals of direction have increased Applicant's frustration and expense in prosecuting this application.

Turning now to the Examiner's rejections, independent claims 1, 32, 99 and 108 have been amended to address issues raised by the Examiner. Claims 1 and 32 have been amended to explicitly define the term "probable landing area." Claims 99 and 108 have been amended to more clearly state that the visual indication comprises graphic indicia, such a line.

Claim 1 as amended states that the microprocessor determines "a probable landing area of a golf ball as a result of the next stroke" and generates "a graphical view of a selected portion of said golf course." Claim 1 further states that the graphical view includes a "visual indication

representing the probable landing area of the golf ball.” Claim 1 explicitly defines the probable landing area as “an area in which the golf ball is expected to land with a specified probability.” That is, the dimensions or boundaries of the landing area are determined based on a predetermined probability. As an example, the specification states that the probable landing area indicates an area in which 50% of the golfer’s shots will land.

The patent to Fisher does not teach or suggest determining a probable landing area, or generating a visual indication of the probable landing area on a graphic display. The Fisher patent does refer to a practice shot command that allows the user to view predicted results of hypothetical shots using different clubs. There is no mention how the results are computed or displayed. The Examiner apparently assumes that Fisher displays the results of a shot as a spot with a finite area and argues that “a point is a circle and has an area ...” However, there is no explicit statement in Fisher that the results are displayed as a spot with a finite area as apparently argued by the Examiner. Further, even if the result of the shot were displayed in the manner suggested by the Examiner, a spot with a finite area intended to represent a point where the ball is expected to come to rest is not a probable landing area. In this regard, Applicant notes that the probable landing area is now defined in the claim as an area in which the ball is expected to land with a predetermined probability. That is, the dimension or boundary of the probable landing area is determined based on a predetermined probability.

Claim 32 also defines the probable landing area as an area where the golf ball is expected to land with a predetermined probability. Thus, claim 32 is believed to be allowable for the same reasons as claim 1.

Regarding independent claims 99 and 108, the Examiner has failed to establish a *prima facie* case of obviousness. Contrary to the arguments made by the Examiner, Fisher does not disclose a golf aid that displays a graphical view of a golf course including “graphic indicia representing the intended path or direction of the golf ball as a result of the next stroke.” The

Examiner's arguments regarding claims 99 and 108 seem contradictory and confusing. The Examiner concedes that "Fisher does not explicitly show a 'line' on the screen indicating the path of the ball due to the next stroke ..." The Examiner appears to argue the graphical view is selected in Fisher based on the intended direction of the next stroke. However, selecting a view of the course based on the intended direction and generating a view including graphic indicia, such as a line, representing the intended path or direction of the ball are not the same. The Examiner may not ignore the claim limitation stating that the graphic view includes indicia representing the intended path or direction of the ball. The claim requires indicia superimposed or included in the view, not merely a view in a desired direction.

The Examiner also equates the practice shot feature of Fisher with the "intended path" limitation. Applicant notes, however, that showing the results of a hypothetical shot based on a user's past performance is not the same as showing an intended path of the ball due to the next stroke. A prediction of where the ball may go is not, for most golfers, where the golfer intends the ball to go.

Finally, Applicant notes that Applicant has amended several claims to change the term "microprocessor" to the slightly broader term "processor."

Applicant believes that the amendments made place the application in condition for allowance. If the Examiner does not agree, Applicant hereby requests an interview with the Examiner to discuss any issues that may remain.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



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David E. Bennett
Registration No.: 32,194

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084